

AO 106 (Rev. 04/010) Application for Search Warrant AUTHORIZED AND APPROVED/DATE: s/Virginia L. Hines

UNITED STATES DISTRICT COURT
for the

WESTERN

DISTRICT OF

OKLAHOMA

FILED

DEC 26 2021

In the Matter of the Search of the Premises)
known as 3141 Nimitz Boulevard,)
Oklahoma City, Oklahoma 73112)

Case No: M-21-742-P

CARMELITA REEDER SHINN, CL
U.S. DIST. COURT, WESTERN DIST.
BY: Carmelita Shinn, DE

Brenden Taylor

APPLICATION FOR SEARCH WARRANT

I, ~~REDACTED~~, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following Property (*identify the person or describe property to be searched and give its location*):

Premises known as 3141 Nimitz Boulevard, Oklahoma City, Oklahoma see attachment A.

Located in the Western District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*): see items listed in Attachment B.

The basis for the search under Fed. R. Crim.P.41(c) is (*check one or more*):

- ☒ evidence of the crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Sections

Offense Description

18 U.S.C. § 922(g)(9)

See attached Affidavit

See attached Affidavit of Special Agent Brenden W. Taylor, Bureau of Alcohol, Tobacco, Firearms and Explosives, which is incorporated by reference herein.

- ☒ Continued on the attached sheet(s).
☐ Delayed notice of [No. of Days] days (*give exact ending date if more than 30 days*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).



Applicant's signature

Brenden W. Taylor
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and signed in my presence.

Date: 12/26/2021

Judge's signature

City and State: Oklahoma City, Oklahoma

GARY M. PURCELL, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

DESCRIPTION OF PROPERTY TO BE SEARCHED

The Premises' Physical Description

The premises is a residence located at 3141 Nimitz Boulevard, Oklahoma City, Oklahoma 73112. It is described as a single story, single-family house that is reddish brown in color, with a grey roof, white siding and white a garage door. The residence faces south and is the fifth house east of North Hamilton Drive, on the north side of the street.



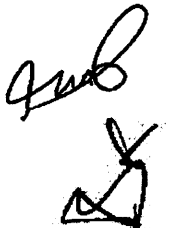
Handwritten signature/initials

ATTACHMENT B

DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

1. Any firearms, firearms components, or firearms accessories
2. Any firearms ammunition
3. Receipts, wire transfer receipts, bank checks, bank account statements, literature, address books, phone lists, phone books or other notes containing associates, contacts or sources of supply, diaries, documents and cancelled checks related to the acquisition, disposition, receipt, storage, purchase and or sales of explosives, componentry, tools, chemicals/powders, firearms, and ammunition.
4. Indicia of residency of the premises or of any firearms or explosives, including but not limited to:

Correspondence, lease agreements, deeds, invoices, tax records, sales records, receipts, identification documents, photographs, and/or any item bearing the name or image of any person or the image of any firearm or contraband

Handwritten signature and initials in the bottom right corner of the page.

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF OKLAHOMA

IN THE MATTER OF THE SEARCH OF
THE PROPERTY LOCATED AT 3141
NIMITZ BOULEVARD, OKLAHOMA
CITY, OKLAHOMA

Case No. M-21- -P

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Brenden Taylor, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Oklahoma City, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. §§ 2703(c)(1)(A) for firearms, ammunition, which are located at the residence of Cody Wade KENNEDY, 3141 Nimitz Boulevard, Oklahoma City, Oklahoma (hereinafter SUBJECT RESIDENCE), which is within the Western District of Oklahoma and is more fully described in Exhibit A. The SUBJECT RESIDENCE is owned by Plaidsquare Properties LLC and rented by KENNEDY. I am requesting that the warrant permit a search for and seizure of the evidence listed in Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been since November 2015. I have been assigned to Oklahoma City Field Office since June, 2016. Prior to being employed by the ATF, I have served as a police officer for two years each in Columbia, Missouri, and Norfolk, Virginia, and as an Air Marshal for seven years in the Federal Air Marshal Service. I am a graduate of the Federal Law Enforcement Training Center and have participated in a variety of investigations, including investigations of individuals involved in firearms possession and drug activity.

3. As a Special Agent, I am authorized to investigate violations of the laws of the United States, including violations of firearms laws, and to execute warrants issued under the authority of the United States.

4. I am investigating the activities of Cody Wade KENNEDY for violations of Title 18, United States Code, Section 922(g)(9), which makes it unlawful for any person who has previously been convicted of a misdemeanor crime of domestic violence to possess a firearm which has been shipped or transported in or affecting interstate or foreign commerce.

5. This Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant. The information contained in this Affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records.

BACKGROUND OF INVESTIGATION

6. On December 23, 2021, Oklahoma City Police Detective M. Klika received information that KENNEDY routinely "open carried" a firearm, visible, in a holster. Klika further learned that KENNEDY often carried this firearm to church on Sundays.

7. Detective Klika queried KENNEDY's criminal history and found that he was convicted of a misdemeanor crime of domestic assault/battery in Oklahoma County case number CM-2016-01974, on January 26, 2017, which prohibits him from possessing firearms.

8. Detective Klika queried utilities information for 3141 Nimitz Boulevard, Oklahoma City, Oklahoma (SUBJECT RESIDENCE), and found that Cody KENNEDY is the listed subscriber.

9. On December 26, 2021, Detective Klika and other Oklahoma City Police officers conducted surveillance outside the SUBJECT RESIDENCE. Detective Klika observed KENNEDY walk outside, get in his car, a red 2010 Nissan Cube with Oklahoma registration KZA702, and drive away. While he was walking to his car, Detective Klika was able to observe a holstered firearm on KENNEDY's hip. As KENNEDY was driving, officers observed KENNEDY improperly straddling lane lines, and initiated a traffic stop at 3301 Northwest Expressway, Oklahoma City, Oklahoma. When officers contacted KENNEDY, they observed that he was wearing a holstered pistol on his hip. Officers then detained KENNEDY, secured the firearm, and contacted S/A Taylor with the ATF.

10. The firearm is a Phoenix Arms, .25 AUTO caliber pistol, model HP25A. The firearm was unloaded, however, the holster also contained a magazine for the pistol that held nine rounds of .25 AUTO caliber ammunition, made by Aguila.

11. On December 26, 2021, S/A Taylor and S/A Wells conducted a recorded interview at the Oklahoma City Police Department with KENNEDY. S/A Taylor advised KENNEDY that he was under arrest and read the Miranda Warning. KENNEDY signed a waiver, agreeing to answer law enforcement's questions. KENNEDY stated that he was aware of his domestic violence conviction, but thought that it did not affect his right to possess a firearm since it was only a misdemeanor. KENNEDY told agents that the firearm was a gift several years ago, there are no other firearms in the house, and there is additional ammunition in a lockbox beside his bed.

12. I have conducted numerous investigations involving the unlawful possession and use of firearms by prohibited persons. In my training and experience, I know that individuals who own firearms typically own more than one. These firearms are kept on their person, or in their residence. Additionally, ammunition is sold in quantities larger than the capacity of the firearm

that was seized, which makes it reasonable that more ammunition will be located at the **SUBJECT RESIDENCE**. I am also aware that the sale of firearms involves receipts, and firearms are often sold in cases that bear the manufacturer and often serial number of the firearm. Firearm owners routinely keep these items and store them in their residence.

13. I am an ATF Firearms Interstate Nexus Expert. It is my opinion that the aforementioned firearm and ammunition were not manufactured in the state of Oklahoma, and therefore crossed state lines, thereby affecting interstate or foreign commerce.

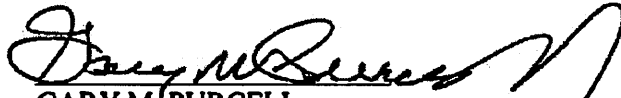
CONCLUSION

14. Based on the above information, there is probable cause to believe that violations of 18 U.S.C. § 922(g)(9) have occurred, and that evidence, fruits, and instrumentalities of these offenses are located at the **SUBJECT RESIDENCE**. Therefore, I respectfully request that this Court issue a search warrant for the **SUBJECT RESIDENCE**, described in **Attachment A**, authorizing the seizure of the items described in **Attachment B**.



BRENDEN TAYLOR
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED AND SWORN to before me on this 26th day of December, 2021.



GARY M. PURCELL
United States Magistrate Judge